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THREE SPEECHES

BY

HON. JAS. M. SCOVEL,

DELIVERED IN THE SENATE AND HOUSE OF REPRESENTATIVES
OF NEW JERSEY,

WITH AN INTRODUCTION.

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1. NEW JERSEY FOR THE WAR.
 2. NEW JERSEY FOR THE UNION.
 3. NEW JERSEY FOR ENFRANCHISEMENT.
-

"It is the glory of an American Citizen that he neither obeys nor commands."

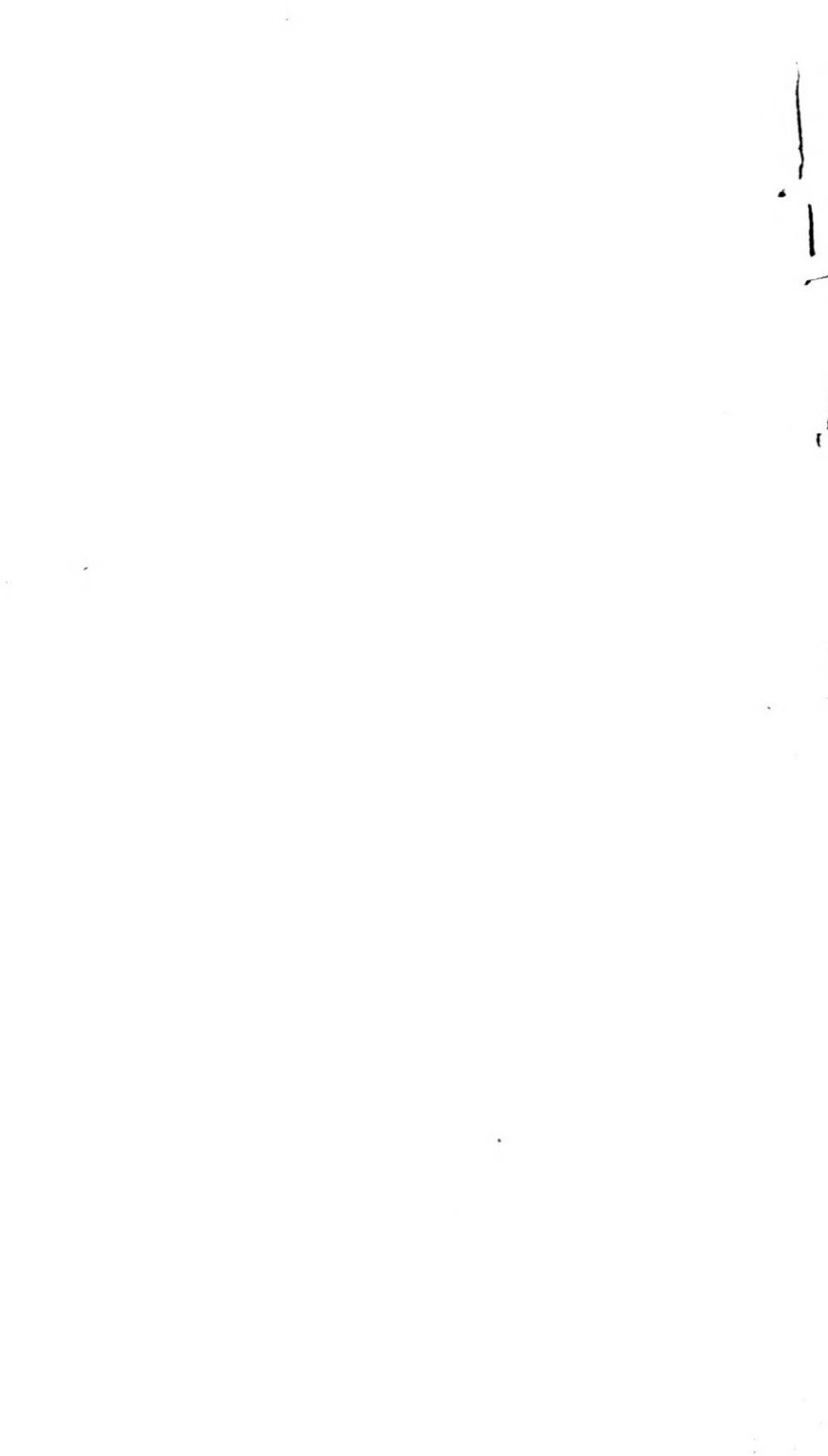
EMERSON.

"It is the heart that makes the soldier."

NAPOLEON IST.

CAMDEN, N. J.:
PUBLISHED BY HORACE B. DICK.

1870.



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1870.

Camden, N. J., March 24th, 1870.

I dedicate these speeches to Ulysses S. Grant, who took up the burdens of a New Republic where Abraham Lincoln laid them down; who, after the Rights of Man had been trampled in the dust by the faithless administration of Andrew Johnson, has shewn by Patience, by Courage, and by Fidelity to Principle how a President springing from the ranks of the People, at once a true man, a Soldier and a Statesman, may re-create a Republic, now, more than ever, the admiration of Man and the wonder of the Wor'd.

J. M. S.

INTRODUCTION.

As illustrating an important era, these speeches now first collected, form a valuable addition to the political history of New Jersey during the war for national supremacy, which resulted in the emancipation and enfranchisement of the black race.

James M. Scovel was born in Harrison, Ohio, Jan. 16th, 1833. His father was the Rev. Sylvester Scovel, an eminent minister of the Presbyterian Church; a native of Massachusetts, who removed to the West and filled the Presidency of Hanover College, Ind.; from which institution he had previously received the degree of Doctor of Divinity. Respected for his energy of character, theological and literary attainments, and beloved for his amiability of disposition, his benevolence and consistent piety, he died of cholera on the 4th of July, 1849, bequeathing to his son his own advanced ideas of the rights of man and his consistent hatred of oppression and wrong.

His grandfather (on the maternal side) was the Hon. James Matlack, who represented this District (then Gloucester county) for two terms in Congress.

Mr. Scovel, in 1852, delivered the valedictory address in Hanover College, Ind., and taught school for one year in Tipton co., Tenn., where he first obtained a practical knowledge of the workings of "the peculiar institution called slavery."

In 1853 he became a student of law in the office of Attorney General Browning, in Camden, N. J., and was admitted to practice at the bar in Nov., 1856.

Mr. Seovel was a firm and consistent follower of Stephen A. Douglas, when the treasonable designs of the Southern leaders forced a war upon the North. A democrat in his sentiments, he had no lot or part with those men, who sustaining the nomination of Breckinridge, would have sacrificed the unity of the States to the aggressive and abhorrent policy of the nationalization of human slavery.

New Jersey at that time was eminently conservative, and our young aspirant would perhaps the more readily have obtained political advancement from the then dominant Democratic party at the sacrifice of his ideas of justice: Mr. Seovel, however, accepted no such issue; he became one of the four leaders of the straight Douglas element, and the formation of an "Independent Douglas Ticket" resulted in giving a majority of the electoral vote of the State to Abraham Lincoln. (Since which time New Jersey has invariably been Democratic on Presidential issues.)

On the result of that election Mr. Seovel advocated strong radical measures. In 1862, after a sharp and decisive contest, he was elected by a handsome majority to the State Legislature, from the 1st District over D. A. Hall, Democratic candidate.

Naturally gravitating to the leadership of the Republican element in the House, on the delivery of his memorable speech against the "New Jersey Peace Resolutions," the minds of the people throughout the Union distinctly and emphatically recognized in him the very head and front of the uncompromising opposition to treason and retrogression in the State.

At that time the nation seemed in the throes of dissolution. The imbecility, incapacity or treason of a General in whom all had confided, had resulted in great disaster to our arms. Hurled back from the gates of Richmond after a struggle which it was hoped would have dismembered and crushed the serpent of rebellion, our army fled before a pursuing foe who beleaguered the National Capital. Open traitors and

well meaning but timid men clamored for "Peace," even at the sacrifice of honor. The efforts of this element culminated in two distinct propositions—one, a bill to arm 40,000 State militia, under the leadership of a distinguished son of New Jersey, for the avowed purpose of resisting the power of the Federal government; the other, a series of resolutions proposing to hold conference with certain Rebel leaders, with a view to "a satisfactory adjustment of difficulties."

On the presentation of these Mr. Scovel arose. In a patriotic philippic, in which the natural rights of man, love of country, reason, invective and a sense of dignity were invoked to crush the efforts of those whose interpretation of "peace" was but a synonym for national degradation; with the energy and eloquence of Mirabeau he pointed out the danger that lay concealed beneath the smooth platitudes of diplomacy. He rent the flimsy veil of specious sophistry that covertly counselled dishonor, by the weight of arguments as potent and convincing as those of the English Burke, and threatened that should an armed opposition to the government be encouraged by the passage of these bills, he would himself "arouse the people from school-house and hill-top, and by forcible means resist this treasonable scheme."

The effect was instantaneous. The bills were modified and afterwards withdrawn. His efforts on that occasion earned him the life enduring friendship of Abraham Lincoln, Thaddeus Stevens, Edwin M. Stanton, and others. The speech, fully reported in the *New York Tribune*, won the applause of the nation and the regard and encomiums of Horace Greeley.

In 1863, Mr. Scovel, appointed by Mr. Lincoln Commissioner for the Draft, resigned his position to accept the nomination of the Republican party for the Senate. A powerful faction who distrusted the integrity of any man who had ever voted with the Democrats, opposed him. After

the most severe political contest known in the county of Camden, he was elected over Jno. R. Graham, a deservedly popular nominee, by a majority of 113.

In the State Senate he won new laurels. The conviction that the nation needed the services of the loyal black race, who were anxious to lend their stalwart arms toward the suppression of the rebellion, found but little favor in New Jersey. Democrats and many conservative Republicans alike agreed in opposition to such an "impolitic measure," and the result was the presentation of a bill prohibiting the enlistment of colored troops in the State, under penalty of fine and imprisonment. As when in the House, Mr. Scovel in the Senate rose to the emergency and confounded the counsels of those unwilling to grant to the despised race the privilege of fighting and dying for their country. We have no space for extended quotation in our brief *resume*, but may remark that the concluding portions of his speech on the subject evince a power of eloquence not unworthy of the greatest orators of ancient or modern time—the classic force of Demosthenes, or the flowing rhetoric of the Roman Cicero; although it is stated it was hastily made, mostly improvised, and in no case supervised or corrected. In his third speech, on "Our Relations with the Rebel States," Mr. Scovel elaborates and re-affirms his life-long devotion to liberty and the interests of the colored race. For them he claims suffrage and a full political equality, and argues

"That policy that would call the black to our aid in putting down the rebellion, and then turn him over to the charity of the man whom he fought against, and who once owned him, must be founded in inequality, injustice, and in infinite meanness."

Always a persistent advocate of the *XIVth Amendment*, which but for his casting vote when President of the New Jersey Senate, would have been lost therein, he has been equally strenuous in urging the adoption of that just enactment known as the *XVth Constitutional Amendment*. His

record is clear, defined and unmistakable on the slavery and emancipation policies. Other Republicans have faltered, fearing the loss of popularity or election in counties where radical measures were of uncertain issue, but at all times wherever he has expressed an opinion, it has been in the advocacy of "equal and exact justice to all."

We have said that Mr. Scovel's speeches afford evidence of great oratorical power. To this may be added, a comprehensive grasp of subject and issue involved, and a political forecast that is alone proof of statesmanship. To youth, health and courage in his favor, a magnetic power to enchain his hearers when addressing them, he joins a fearlessness that is the true criterion of manly independence. His friends appreciate and his enemies respect his talents and energy.

With no wish to re-open old sources of dissension, it becomes necessary in the interest of truth to allude to a certain event, that at the time, in the minds of many, seriously affected Mr. Scovel's popularity. We shall refer to it briefly but emphatically.

In 1865, on the occasion of the selection of U. S. Senator, a majority of both Houses in joint ballot decided and declared that a plurality vote should elect. In accordance with this resolution a Democrat was chosen. A powerful effort was afterward (successfully) made to unseat him, on the ground that a plurality vote was illegal. Mr. Scovel refused to assist in what he conceived to be an unjust measure, even though his own party were thereby benefitted. Mr. Lincoln, in a statement made, declared, that in his opinion the Democratic Senator was legally and rightfully elected, and Mr. Trumbull and others of the Judiciary Committee of the United States Senate reported likewise.

The statement broadcast, of Mr. Scovel's "defection" from the Republicans, spread far and wide. Interested parties influenced well-meaning men into the belief of sinister motives on the part of the "recreant Senator," and a whirl-

wind of opprobrium, invective and opposition was evolved that might well have crushed a timid or corrupt man, or at all events forced him wholly into the ranks of the Democratic party : but Mr. Scovel's instincts were not allied to dead political issues. He *did not* act as self-constituted political prophets *predicated or desired*, and after a delay, yielded solely in order to save the XIVth Amendment. (then under consideration), against his well-conceived ideas of justice.

Political ostracism for a time attended him. Newspapers, organizations, &c., vied in hurling epithets, anathemas and "manufacturing public opinion;" but he pursued the even tenor of his way, uninfluenced or unawed in his convictions as to the righteousness of his motives.

Popularity is often cheaply earned by yielding to the dictum of self-constituted cliques, but the people will not always intrust their interests in the hands of those whose political consistency is evinced in an inordinate fondness for office, and whose greatest ability seems demonstrated in the persistent tenacity with which they cling to the emoluments and spoils of political preferment.

Terrible as are the necessities of strife and bloodshed, yet the war has been prolific of great and incalculable results. In a few years have been enacted laws that would have taken decades of peaceful legislation to accomplish.

Onward rolls the car of progress, crushing all obstacles that would else impede its way :

"There is a Divinity that shapes our ends,
Rough hew them as we may."

Rights must be acknowledged and respected; folly and fraud overcome and subdued; tyranny be denied and uprooted, and wisdom be imparted and received; then national greatness and glory shall consist in relieving, blessing and elevating all in the knowledge of truth, irrespective of race, clime or condition.

Thaddeus Stevens, the "distinguished commoner," whose efforts in behalf of human liberty were only suspended by

his death, had a full appreciation of, and unbounded confidence in the integrity of Mr. Scovel; as his appended letter, written shortly before his decease, evidences. Abraham Lincoln and Edwin M. Stanton bear testimony also in the letters over their signatures.

HORACE B. DICK.

CAMDEN, N. J.

LETTERS.

HOUSE OF REPRESENTATIVES.
WASHINGTON, D. C., April, 1869. }

Dear Scovel:—I wish you were in Congress to aid me: cannot you get there next time. Alabama is still out, our friends not agreeing in some points. Try and come and help us. We are not yet out of the woods.

THADDEUS STEVENS.

J. M. SCOVEL, Esq.

Hon. W. H. Seward:—Jas. M. Scovel, named within, carried a very close Senatorial District in New Jersey for us at the election, and is really one of our best friends. Sec. of State, please see and hear him.

A. LINCOLN.

Nov. 18, 1863.

WASHINGTON CITY, 16 Sep., '68.

Dear Sir:—Your note of the 12th inst. reached me this morning, and I hasten to say that you are entirely right in the opinion that Mr. Lincoln reposed much confidence in you as an active, zealous and faithful supporter of your government, and a true patriot earnestly bent upon the suppression of the rebellion.

Yours truly,

EDWIN M. STANTON.

JAS. M. SCOVEL, Esq.

Camden, N. J.

NEW JERSEY FOR THE WAR.

DELIVERED IN THE NEW JERSEY HOUSE OF ASSEMBLY, MARCH 17, 1863.

The New Jersey House of Assembly having under consideration the Joint Resolutions in relation to Federal Affairs, commonly called "The Peace Resolutions," Mr. Scovel said :

MR. SPEAKER: I rise to advocate the minority report of the Committee on Federal Relations. If I no longer believed in God, or if I had ceased to love my country, I might be heard in advocacy of the peace resolutions offered and sustained by the dominant party in both Houses of the Legislature. Mr. Speaker, I know that this is not a time for private griefs, but as I am charged with having renounced the party with which I formerly acted, I may be allowed briefly to make my defence against the accusation. I am content to submit myself to the asperities and calumnies of polities. In the language of Lord Bolingbroke, "I have not renounced my country nor my friends; and by my friends I mean all those and those alone who are such to their country, by whatever name they have been or may be still distinguished. and though in that number there should be men of whose past ingratitude, injustice or malice I might complain on my account with the greatest reason. These I will never renounce. In their prosperity they shall never hear of me—in their adversity always." The sincerity and tenacity with which I followed the fortunes of Stephen A. Douglas are

known to all who know me. I was a witness at Baltimore of the shameless betrayal of the statesman of Illinois. If he had served the South too faithfully, he had bitter cause to repent of that service. When truest to the chosen measures of the South—I mean the doctrine of non-interference with slavery—he was displaced by Jefferson Davis from his position as Chairman of the Committee on Territories. When faithful at Charleston to the traditions and the principles of his party, he was then betrayed, and the betrayal made complete, a few months later, at the city of Baltimore. It was in 1848 the Democratic Convention was of opinion that to countenance any interference with slavery by Congress was dangerous to the peace and harmony of the country. We live history so fast that it is well, on an occasion like this, when the heart of every patriot is tremulous with anxiety for the safety of the Republic, to go back and examine the past, even though we should tread on “ashes thinly covering fires.” In the great speech of Mr. Douglas, delivered in the Senate, May 15th and 16th, 1860, he says, speaking of Mr. Yancey’s desire for the interference with slavery by Congress, “I shrink with horror from the consequences to which his principles would lead the Republic.” Well might he say this, for none knew better than he, what price the South would exact for their fealty to the Union. With his faults, and these were the foils to set off his virtues, he was, in power and magnanimity, the peer of any man in America; and it is one of the proudest recollections of my political career, and one I shall bear with me to the latest hour of my life, that I followed, with simplicity and steadfastness, his waning fortunes, and stood by the banner of Douglas till it waved above his grave. He sleeps now on the shores of Lake Michigan, where corroding care cannot reach him, happily removed from any participation in these the saddest scenes that ever marked with gloom the slow but triumphant advance of human liberty. Let us compose the pall firmly and decently over the features of this patriot statesman, who

amid the pangs of dissolution instructed his children to be true to the Constitution and the Government of their Country. Would to God that his warning voice could reach his countrymen who have abandoned his teachings. His predictions were verified. In March, 1860, the President of a Confederacy over every foot of which the old flag will yet float, offered a resolution in the Senate, among other things, which declared :

“ That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect and unfriendly character, possess power to annul or impair the constitutional rights of any citizen of the United States to take his slave property into the common territories, and there hold and enjoy the same while the territorial condition remains.”

[Jeff. Davis' Speech on Relation of States.

The only statesman of the South dissenting was Alexander Stephens, of Ga., in the following letter dated Crawfordsville, Ga., May 9th, 1862, written after the Charleston Convention. He says :

“ In the first place I assume as an unquestionable fact, that non-intervention as stated, has been for many years received, recognized and acted upon as the settled doctrine of the South. By non-intervention I mean the principle that Congress shall pass no law on the subject of slavery in the Territories, either for or against it in any way—that they shall not interfere or act upon it at all—or, in the express words of Mr. Calhoun, the great leader, that “ Congress shall leave the whole subject where the Constitution and the great principles of self-government place it.” This has been eminently a Southern doctrine. It was announced by Mr. Calhoun in his speech in the Senate on the 27th of June, 1848; and after two years of discussion, it was adopted as the basis of the adjustment finally made in 1850. It was the demand of the South, put forth by the South, and since its establishment has been again and again affirmed as the settled policy of the South, by party conventions and State Legislatures, in every form that a people can give authoritative expression to their will and wishes. This cannot now be matter of dispute. It is history, as indelibly fixed upon the record as the fact that the colony of Georgia was settled under the auspices of Oglethorpe.

"I refer to this matter of history connected with the subject under consideration, barely as a standing point, to show how we stand in relation to it. It is not a new subject. It has been up before, and whether rightly or wrongly *it has been* decided and settled just as the South asked that it should be—not, however, without a great effort and a protracted struggle. *The question* now is: Shall the South abandon her own position in that decision and settlement? This is the question virtually presented by the action of the seceders from the Charleston Convention and the grounds upon which they based their action; or stated in other words, it amounts to this—whether the Southern States after all that has been said on the subject *should* now reverse their previous course and demand Congressional intervention for the protection of slavery in the Territories, as a condition of their remaining longer in the Union. For I take it for granted that it would be considered by all as the *most mischievous folly to demand*, unless we intend to push the issue to its ultimate and legitimate result. Shall the South then make the demand of Congress, and when made, in case of failure to obtain it, secede from the Union, as a portion of her Delegates (some under instructions, and some from their own free will) seceded from the Convention, on their failure to get it granted there?

"Thus stands the naked question, as I understand it" (and no man in all the South understood it better than Mr. Stephens) "presented by the action of the seceders in all its dimensions, its length, breadth, and depth—in all its magnitude * * * my judgment is against the demand.

"The great question then is, shall we stand by our principles, or shall we, cutting loose from our moorings *where we have been safely anchored so many years*, launch out into unknown seas, upon new and perilous adventures, under the guidance of those who prove themselves to have no more *fixedness of purpose* or stability as to objects of policy, than the shifting winds by which we shall be driven?"
 * * * * *

"There is a tendency everywhere, not only at the North, but at the South to strife, discussion, disorder and anarchy. It is against this that the sober minds and reflecting men everywhere should now be called upon to guard. My opinion then, is that Delegates should be sent to the adjourned Convention at Baltimore. The demand made at Charleston by the seceders ought not to be insisted on.

Harmony being restored upon this point, a nomination can doubtless be made of some man whom the party everywhere can support with the same zeal and ardor with which they entered and waged the contest in 1856, *where* the same principles were involved."

"If in this there be a failure, let the responsibility not rest upon us. Let our hands be clean of all blame. Let there be no cause for casting censure at our door. If, in the end the great National Democratic Party—the strong ligament that has so long bound and held the Union together, shaped its policy and controlled its destinies, and to which we have so often looked with a hope that seldom failed, as the only party North on which to rely in the most trying hours when constitutional rights were imperilled goes down—let it not be said to us in the midst of the disasters that may ensue "you did it." In any and every event let not the reproach of Punic faith rest upon our name. If every thing else has to go down, let our *untarnished honor* at least survive the wreck."

Upon the bloody plains of Kansas, says Jefferson Davis, "we have tried the doctrine of letting Slavery take care of itself. Now Congress must take care of it or we will take care of the North and Congress too, since we are the master race!" Surely Slavery is becoming the Colossus which *bestrides* the world! It is true, in Indiana, when Edward Hannegan was elected United States Senator, and disgraced America at Berlin, every other Democratic candidate gave his written pledge to the caucus of his party that he opposed the extension of Slavery. It is true that Henry Clay had said that he would never consent that the everlasting curse of human bondage should set its foot upon free soil, but Jefferson Davis was about to change all this. John C. Breckinridge announced in his letter of acceptance that the "inexorable logic" of his position was that property in negroes should be protected in all the Territories. The North began to say we do not intend to dictate to the South, but the South shall not dictate to us. For these many years Slavery has been working evil under the sun. Bench and bar, and hall and pulpit, and counting room, and field

and fireside, have been tainted with its presence. It has tampered with public and private honesty. It has debased, degraded and brutalized American freemen, marring their birthright. It has turned their beautiful garden into a wilderness. The ignorance that disgraces, the vice that demoralizes, the barrenness that lays waste the South, are all its work. It has made our country a stumbling-block, a hissing and a by-word to the nations. It has introduced discord and brawling, insolence, rapacity and murder into our National councils. The bitter hatred that fires the South against the North is all its doing. It has despoiled us of our honor; it has poisoned our fountains; it has polluted our holy things. The wide-spread treachery that has desolated us like a plague and made us feel as if the solid ground were failing beneath our feet, had its root and rise in it.* In our own State how has this evil worked? Read the latest humiliation that has fallen upon us. I refer to the election of a Senator in New Jersey. And while I know that the cup of bitterness is full for those who would not fall down and worship the golden image set up by the sons of Essex, I would add not another drop to its bitter waters. Would that the graceful pen of the historian could picture the scene. Who is it that enters with so gay a step into the Senatorial tourney, his

“Cohorts all gleaming with purple and gold?”

The contest inside the lists is between Bullion and Brain. and so fickle is the fate of war, that Union and Morris go down before the charge that bold rider made with the helmet of Gold, while Democracy shouts “long live William of Essex,” and the people do not respond amen. In the facts just stated, I find the reason and justification of my present position. I have not changed. I upheld the South and her institutions, so far and so long as this could be rightfully done; I defended slavery within the limits it could properly and justly claim, nay I was ready to concede

* Gail Hamilton.

to it so far as concession was safe. But I was not willing that the slave power should assume the place of the government, and that all the interests of the country should be made subservient to it. I was not willing that the Democratic party itself should be reduced to the low condition of being made an instrument, a mere convenience, to be used or discarded at pleasure, *to be turned back at the bidding of its southern masters upon its own course*, and made to repudiate its own professions and principles. I am for the Nation against a section; for the Republic rather than a party. This is my answer to the charge of unfaithfulness. But, Mr. Speaker, in approaching the discussion of these resolutions, it is well to inquire what are the causes which led New Jersey to assume the position of hostility to the General Government. If it is denied that the dominant party are in concert with the leaders of Rebellion, why is it that your cannons are fired and treason preached at Temperance Hall in celebration of the close of the last Congress, —a parliament of men who have shown no higher desire than to be the supporters of a good Government and the guardians of public liberty? But these friends of a monstrous rebellion against humanity and civilization must be taught that the more genius, industry and spirit are employed to destroy, the harder the task of saving our country becomes; but the duty increases with the difficulty. In such exigencies it is not enough that genius be opposed to genius; spirit must be matched by spirit. They who go about to destroy are animated from the first by ambition and avarice and despair itself. With that urbanity for which he is remarkable, the member from Morris (Mr. Vanatta) will allow me to call his attention to his speech delivered at Trenton on July 27th, 1860. He then asserted that the policy of the country which would ultimately triumph was the localizing of slavery, and further said of the proposed change in policy, which should make slavery national:

“The people will say, Why this sudden change? In

attempting to turn round such a square corner we shall have a smash-up. After a change on such a vital question will not the people say they cannot trust us? After twelve years trying to support a character for fairness let us preserve our honor and self-respect by being consistent to ourselves and to the State of New Jersey."

At the same meeting, Rodman M. Price denounced a proposition to unite with the friends of Breckinridge as the "most deceptive and fraudulent proposition he ever heard." And in less than one year, ex-Governor Rodman M. Price, who thought James Buchanan "one of the greatest political knaves of the country," (I quote *The True American*, of July 27th, 1860,) published to all the world his deliberate conviction, in these words: "I say emphatically she (New Jersey) should go with the South, from every wise, prudential and patriotic reason." [Letter of April 9th, 1861.] On the same day, desecrating the Chamber which is now occupied by the Legislature, met another Convention composed, in my opinion, of the enemies of the Government, more than one member of which I have heard threaten that the streets of New Jersey should run with blood before a Northern army should leave our soil to fight against the South. One of the members of this House from Bergen (T. Dunn English) whose poetry may be excellent, but whose political opinions merit the scorn and execration of every patriot in the land, and also the very distinguished Senator from Bergen, were chosen to that Convention. They re-affirmed the platform of 1856, only to abandon it at the behest of Southern conspirators. How faithfully they have served the South, let the history of these times show, when it comes to be written. Certainly, the impartial verdict of the time will be that if Jefferson Davis was like Satan in Pandemonium—

"In form and gesture, proudly eminent,"

he had followers, if less distinguished, quite as notorious, in the person of Clement L. Vallandigham, Rodman M. Price, and the Senator from Bergen. Thus it is, while our brave sons have met death in defence of the honor and perpetuity of our Union, New Jersey, by a shameful betrayal of prin-

ceipe, has taken the basest position to which a State can descend. We elevate faction above patriotism, and tolerate men "who sin against posterity as well as against their own age, and when the consequences of their own crimes are over, the consequences of their example remain." In his speech, the Senator from Bergen says he was elected on a platform "in favor of a vigorous prosecution of peace," and is proud to say he stands on that platform yet. From the Senator's haste at an early hour of the session to offer his peace resolutions, we had been led to believe that he was cordially in favor, with Mr. Mahony, of a vigorous prosecution of peace. His efforts certainly, had they been given in an earlier revolution, would entitle him to distinguished consideration among the Tories in our first struggle for independence. But I am grateful in assurance that the Tories were not the one hundredth part of the American colonies, while the Rebel slaveholders in the rebellious States, for whom the member from Bergen apparently holds a brief, constitute, all told, less than one hundred and twenty-eight of the people of the United States, and less one fiftieth part of the inhabitants of their own districts. And, Sir, I venture the prediction this day, that the disloyal citizens of New Jersey bear about the same proportion to those who stand by the Union unconditionally, as the Tories did to the patriots of 1776. I shall refer briefly to what the gentleman says about the Proclamation of Emancipation:

"Now, Mr. President, as to the Proclamation itself, I express my surprise at the exposition of the law of nations, given by the gentleman from Passaic. Does the gentleman suppose that an enemy has the right to confiscate private property within the invaded territory? The reverse is as old as the law of war itself. It is doubtless true that property belonging to an enemy, found within the territory of a belligerent, was formerly confiscated. If this country were at war with Great Britain, private property belonging to an enemy might have been confiscated under the old law, but that law has been abandoned long ago. Private property cannot be taken. Under the law as laid down by the Senator from Passaic, to whom would the private property of the

countries overrun by Napoleon belong? What would have become of the private property in Mexico if that had been the law? But, Sir, let me quote on authority bearing directly upon this point: John Quincy Adams, in 1812, being Secretary of State, laid down this principle: They (the British) had no right to make any such emancipation promises to the negro. The principle is that the emancipation of the enemy's slaves is not among the acts of legitimate war; as relates to the owners it is a destruction of private property nowhere warranted by the usage of war. No such right is acknowledged as the law of war by writers who admit any limitations. The right to put to death all prisoners in cold blood, without special cause, might as well be pretended to be a law of war, or the right to use poisoned weapons, or to assassinate."

It seems to me that the Senator from Bergen is unfortunate in his remarks as well as in his quotations. The Constitution allows confiscation. The right to confiscate is derived from a state of war. It is the right of war. It originates in the principle of preservation. It is the means of weakening the enemy and strengthening ourselves. The right of confiscation belongs to the Government as the necessary power and duty of making war offensive or defensive. *Whiting on the war power of the President*, p. 52. Every capture of enemy's ammunition or arms is in substance a confiscation, without its formalities; the exercise of this right has been sanctioned by the decision of the Supreme Court of the United States. In the case of *Cross et al v. Howard*, it was clearly laid down as the opinion of the Supreme Court, that the President of the United States, as Constitutional Commander-in Chief of the Army and Navy, had the power to authorize the military and naval commanders of the United States forces in California to exercise the belligerent rights of a conqueror, and to form a civil and military government for the conquered territory; and that the formation of the civil government in California, when it was done, was the lawful exercise of a belligerent right over a conquered territory. This, I contend, is a stronger case than can arise from the state of the case which the resolutions before this house would designate as "the subjugation of any of the States.

with a view to their reduction to a territorial condition." The United States had made a treaty of peace with Mexico. By the conclusion of the treaty of peace, the military Government which was established over them under the laws of war, as recognized by the practice of all civilized nations, had ceased to derive its authority from this source of power. But was there, for this reason, no Government in California? Are life, liberty, and property under the protection of no existing authorities? Fortunately they are not reduced to this sad condition. The termination of the war left an existing Government, a Government *de facto*, in full operation, and this will continue, with the presumed consent of the people, until Congress shall provide for them a "Territorial Government." The great law of necessity justifies this conclusion. What necessity does the ex-President of the United States refer to, if not a legal and constitutional necessity, whether you call it civil or military? Here we have James K. Polk, James Buchanan, and Gen. Halleck, then Secretary of War for the Territory of California, approving and sustaining the domination of the military over the civil authority, and going so far as to sustain a provisional civil government after the source of military power was exhausted. This law of necessity, founded on the laws of nature and of nations, is not of recent origin, as the gentlemen on the other side maintain. In how much does our situation differ since 1847? Then was the Constitution strong enough to admit the conquest of California; to allow military authority, and after that the establishment of civil authority, without any enactment of Congress. Now the belligerent subjects who are traitors have levied war against the Government under which they live. Can we enforce the laws?—or, failing in that, can we subjugate the States in which they live? (and for us this word "subjugation" has no terrors) and can we do it under powers granted by the Constitution? We think so. Those who formed the Union meant that it should be perpetual. Chief Justice Marshall said "Congress may pass such laws as it may deem neces-

sary to carry into execution the great powers granted by the Constitution." These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of the national exigencies, and the correspondent extent and variety of the means necessary to satisfy them. The mistake made by those who denounced as unconstitutional the vast powers conferred by Congress upon the President is their failing to distinguish between the two classes of powers belonging to Congress and to the Executive, altogether different in their nature, and often incompatible with each other—the war power and the peace power. The one is defined and restricted by the Constitution itself, the other, the war power, is limited only by the laws and usages of nations. The power is tremendous, but it is constitutional; and if need be, the liberties of the subject must be temporarily suspended, and that without violence to civil liberty, if the necessities of the nation require it. Rebels in front and in the rear of our armies understand this. The issue is made up. Two years we have trusted to the God of Battles, and we can still trust in him, animated and sustained by the consciousness of the high trust given into our keeping by Liberty and Humanity.

It was in 1820 John Quincy Adams used the language attributed to him; and if any gentleman will take occasion to refer to *The Congressional Globe* (XXXIIId Congress, 1841-42, vol. 11, p. 424), he will find that Mr. Adams uses the following language concerning that statement: "It was utterly against my judgment and wishes; but I was obliged to submit, and prepare the necessary despatches." Would you know what his sentiments, matured and solemnly pronounced, are? If so, read his speech of the 26th of May, 1836, in the House of Representatives. He says in that nervous English for which he was remarkable:

"I do not admit there is even among the peace powers of Congress no such authority, but in war there are many ways by which Congress not only have the authority, but are bound to interfere with the institution of Slavery in the States. Do you imagine that your Congress will have no

constitutional authority to interfere with the institution of Slavery in any way in the States of this Confederacy? Sir, they must and will interfere with it, perhaps to sustain it by war, perhaps to abolish it by treaties of peace; and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provision of the Constitution itself. From the instant that your Slaveholding States become the theatre of war, civil, servile, or foreign—from that instant the war power of Congress extends to interfere with the institution of Slavery, in every way by which it can be interfered with. * * * I lay this down as the law of nations. I say that military authority takes, for the time, the place of all municipal institutions, and Slavery amongst others; and that under that state of things, so far from its being true that the State where Slavery exists has the exclusive management of the subject, not only the President of the United States, but the commander of the army has power to order the universal emancipation of the slaves. I have given here more in detail a principle which I have asserted on this floor before now, and of which I have no more doubt than that you, Sir, occupy that chair."

Mr. Speaker, these are plain words; they are the deliberate utterance of a statesman. He is a free man whom the truth makes free. The people of New Jersey have conquered their sterile soil—the white sails of our commerce catch the favoring breath of every sea; but, Sir, the people of New Jersey have yet to conquer their prejudices. When shall we rise above the petty strife of partizans? Why quarrel about measures of policy when a common enemy is at the throat of the nation, and that nation is struggling for life? And ye preachers of the gospel of peace, would you waste back this accursed Rebellion with a strip of paper? Will your talk about the Constitution bring back our heroic dead, or will it save the living? Brave men have an instinctive aversion for traitors and cowards, and they are preparing to meet the new enemy in the rear as well as the Rebel foe on our front. Sir, it is not yet two years since that fatal shot was fired on that helpless garrison in Charleston Harbor, and in those years how many have been the eventful hours when "we could stretch an hour into eternity,

or crowd eternity into an hour!" We now stand at the very crisis of our fate. If we are bold and vigilant and active, the good ship will weather the storm. But we hear threats of revolution in the North. From whom? From that tender party of peace, who chose to be partizans to do Jefferson Davis' bidding, rather than be patriots on the side of the Union. They tell us that there must be a reconstruction on a new basis, leaving outside of this Vallandigham Confederacy all agitation of this Slavery question, and from which New England must be excluded! Sir, these are only new foes with old faces. Twenty-five years ago John Randolph of Roanoke said, "To-day! to-day! let New England be blotted out." *Hodie! Hodie! Carthago delenda est.* But, Sir, New England is not yet blotted out; while Virginia, the Mother of Presidents, and alas! the parent of Henry A. Wise, is a howling wilderness—part of whose rich and cultivated fields have been seven times despoiled by our advancing and retreating hosts. God takes care of his universe, and while we cannot understand all the problems which surround this momentous and terrible struggle, it is enough for us to know that God's purpose is over it all, and that these peace patriots may as well hold up their printed resolutions before the lightnings of heaven as to stay the tide of this righteous war. We must meet the Slavery question like men. And I do not envy the head or the heart of that man who will pander to the passions of the populace and rise into place by appealing to prejudices against an inferior race. Sir, what right has Slavery to come begging and fawning at the feet of Civilization? The Senator from Bergen quotes Douglas now, whom he persecuted when alive, by saying that this is a Government for white men. We admit it. We do not believe that thirty millions of the Anglo-Saxon race must yield this continent to the black man, but we might as well admit that the negro has rights which white men are bound to respect, Justice Taney to the contrary notwithstanding. But as well might Charles Lewis, with hands dripping in the blood of his unoffending

victim, plead, as a reason why sentence of death should not be passed against him, that the Declaration of Independence gives to every man his right to life, liberty and the pursuit of happiness, as for Slavery, having slain our sons, to ask leave to step over our border and desolate our Territories, now free from its devastations and villainies. My creed on this question is simply this, all things should be subordinate to the Union. If Slavery stands in the way of the Union, let it share the fortunes or the fate of war. Mr. Speaker, I am not unmindful of the advice of Demosthenes to the Athenians when he told them there was one common bulwark which only the prudent employ, distrust of the enemy: "Of this be mindful—to this adhere, and no calamity can befall you." Sir, I distrust the efforts of those architects of ruin who steal the livery of Democracy to serve the devil in! I distrust the editors of such papers as *The New York World*, *The Herald*, and *The True American*, whose editor shed an abundance of ink in behalf of the injuries inflicted upon the writ of Habeas Corpus, but object to the effusion of a drop of blood on behalf of an imperilled country. The editor of the last named paper, an influential leader of the party which now controls the destinies of the State, wrote, Nov. 26th, 1861, that he had received from Charleston, South Carolina, a rosette of sky-blue silk, tastefully quilled with these words, "Three Cheers for New Jersey." If these resolutions pass, the venerable wheel-horse, or war-horse of Democracy, as it is, had better write over his rosette, "Three Groans for New Jersey." Discarding all personal feeling, if I ever entertained any, and recognizing in many of them the social virtues which adorn society, I cannot but regard, with rare exceptions, the leaders of the dominant party in New Jersey as enemies of their Government and false to their country. Through the press and on the public hustings they proclaim or insinuate that there will be revolution at home if the Conscription act is executed in New Jersey. Sir, I have thought much and anxiously, and in silence—when the conscience tells us life should "soar to

nobler ends than power"—about the dangers which threaten our Republic; but at no time have I suffered myself to be alarmed. My faith is in the intelligence, the integrity, and the patriotism of the people; and when the hour of danger shall arrive, they will come to the rescue. As for myself, I hope that the flag of my country, which floated over my cradle may float over my grave. If traitors at home mean treason, the sooner we know it the better; and I say, "let them come on," for if we cannot protect the honor of our State we are unfit to enjoy the blessing of liberty. But what do the peace men propose to do with the resolutions offered to the House with the solemn protest made "unto the Federal Government?" The only response I have yet heard made to this inquiry was made by one of the speakers in these words: "There can be," he said, "no harm in their passage and there may be a great deal of good." This, Sir, which seems to me to be an answer on the *lucus a non lucendo* principle, is the only light that has yet been given to this house. Sir, who has told us why we should ask peace? True one hundred thousand as brave men as ever stood in the front of battle have fallen victims to gratify the rapacity of Jefferson Davis. It is true we are burdened with debt, but loyal men everywhere bear their burdens without repining, and their prayers go up day and night for the perpetuity of our Government. Not two years ago the Legislature, by a unanimous vote, passed among other things, the following resolution:

"*Resolved*, That firmly believing "that the preservation of our National Union is the only security for the rights, liberties and power of our own people, and the great hope of oppressed humanity throughout the world, we call upon the National Government to put forth at once every energy of which it is capable to preserve the National Union and enforce obedience to the laws of the land in every point of the Union, being inflexibly resolved that Bunker Hill and New York and New Orleans shall never be dissevered; and believing from the teaching of all history, that the most certain and speedy way of restoring peace is by the most vigorous prosecution of the war."

These I know were the sentiments of the great leader of a once proud party. Did these sentiments die with him? As if Providence still extends his shelter over this suffering country, he still binds together New Orleans and New York, and united by railways and telegraph, we find the home of liberty and the grave of Washington. Man changes but principles are eternal. The principles enunciated in that resolution will stand the test of talents and of time. Compare them with Protest No. 7, of the late peace resolution "Against the power assumed in the proclamation of the President, made Jan. 1, 1863, by which all the slaves in certain States and parts of States are forever set free, and against the expenditure of the public moneys for the emancipation of slaves or their support at any time, under any pretence whatever." The record of the party in power is this: In 1861, in the month of May, they call upon the National Government to put forth every energy to enforce obedience to the laws and to put down rebellion. In August, 1862, the same party, at Trenton, in the fourth resolution of their platform, enter their solemn protest "against the reckless extravagance, infamous peculations, and political outrages of the party in power," but in the next line "advocates the use of every Constitutional means to the extent of the full power of the Government for the suppression of the Rebellion." O, graceful preachers of peace! O, immaculate patriots! what change has come over the spirit of your dreams? I have looked in vain from the first line to the last Resolution of these solemn protests "made unto the Federal Government," and find nothing urging the full power to crush the Rebellion. Sir, it seems to me as if in August the Peace party did not know how far the audacity of Secession, under the guise of State Rights, might go. But, the first step taken, the poet says, the descent into hell is easy! The French say, "It is the first step which costs;" and who is astonished that the audacity which offered the Holsman resolutions has culminated in bending low upon its knee with the request that Abraham Lincoln will allow this

party of peace to humiliate themselves before a perfidious traitor, after seeking his presence in the city of Richmond. Since James Buchanan was false to the liberties of the people, I know of nothing so humiliating as the position in which the party in power seek to place New Jersey, by abandoning the pledges solemnly made and reiterated in every township and village of the State prior to the election of November last. Resolution 4th says that Democracy is actuated by no "lurking animosity to the South." I do not apprehend that such a charge would be seriously made against the peace party. If they require it we fully exonerate them from such accusation. For, does not the House remember that Brigadier General Runyon and four others were willing, under "proper safeguards," to seek Jefferson Davis, not with "lurking animosity," but on the contrary with open expression of their distinguished consideration. In my mind's eye I see them now. This mournful cortego has passed the Rappahannock: the five Commissioners, sore and travel-stained, wait with appropriate humility before the city where dwells the Imperial Caesar of the Southern Confederacy. They are admitted to an audience, and ask that the ægis of the Montgomery Constitution may be extended over the North. But their cup of bitterness is not full. Twelve hours are granted in which they must leave the domain of the Satrap of Slavery, or suffer the penalty of being executed, like Paganini's music, on a single string! Again may the brave Brigadier be seen, with mournful cortego, beside the bank of the Rappahannock, bidding adieu to Southern institutions, solaced with the reflection that

"It is better to have loved and lost
Than never to have loved at all."

The Senator from Morris, for whom I have always entertained a high respect, said that it would be better for the country if we had less of John Brown and more of McClellan. Let me answer with a counter proposition. The Stuarts used to sigh for an hour of Dundee, and I have heard our soldiers say, "Oh, for one year of Philip Kearney!"

And can we forget that passionate conscience of genius which felt his country's danger, and knew so well the duty of a soldier. Can we forget when Magruder hurled ten thousand Rebels against the Spartan phalanx of our Union soldiery ; when the enemy melted like snow before the morning sun, and when the order was, not to advance into Richmond, but to retreat, that the hero of Chantilly said "This is cowardice, or treason." The Senator has also prepared an indictment against Abraham Lincoln. He seemed to think that the President had changed his policy in regard to emancipation, and defiantly called on any one to explain the argument the President had with the Chicago delegation, in which he said "the Proclamation would be the Pope's bull against the comet." Will the Senator from Morris remember that the President is an Illinois lawyer ; that he argued the question on both sides, and concluded with the remark that, whatever seemed the leading of Divine Providence, that course he would pursue, and acting as a statesman who knows the value of "self-knowledge, self-reverence, and self-respect," when the final triumph of our cause seemed still distant, trusting to the "considerate judgment of mankind, and the gracious favor of Almighty God," he issued that Proclamation which will liberate this continent from a remorseless despotism, and will yet place the President in the front rank of men who, recognizing the invisible principles of eternal justice, stand between a nation and perdition. The Senator from Morris appeared for the prosecution but his argument speaks for the defence ; he had better enter a *nolle prosequi* on his indictment. But let us pause a moment to touch another picture. It is one, only one, among ten thousand :

Trace back to Charlemagne the annals of chivalry, and you will find among the Christian Knights no record of endurance more heroic, of vigils more patiently kept than those which have marked the whole history of our sad and glorious struggle. I had a friend, a colonel of cavalry in a

regiment from Ohio.* He possessed ancestral wealth, but was far richer in an openness of soul and a graciousness of manner which endeared him to all who approached. Culture had done much for him, and to refinement of nature was added a temper full of sweetness and light. He was as brave as Cœur de Leon.

He was urged to return, for a brief period, before the fight at Murfreesboro, Tennessee. His answer, written on the eve of that great battle was—"It were better that I lie buried (or unburied) in these desolate fields rather than it should be said of me, 'He did not *dare* to do his duty.' " In the wild charge they made, just when the victory was won he fell in a hand to hand fight with five of the Rebel cavalry—resigned in death—and his latest words breathing solicitude for the future of his country and tenderness for those he was about to leave for ever.

While our slaughtered brethren are unavenged; while the stain of dishonor, written over the flag which has triumphantly waved over a thousand fields, written by the rattlesnake-braves of South Carolina, still clings to it, let that man be accursed who breathes of peace. But rather let us pledge again, as our fathers did, our lives, our fortunes, and our sacred honors, that we will not turn to the right or to the left till the advancing flag of the victorious nation waves resistlessly over every hill top and valley wrested from us by this remorseless rebellion! And if red-handed treason pleads for the Constitution, let her lay down her arms that are pointed at the breast of the Republic. As to compromise, it will not be so much as named among us. Patriotism is not a sentiment; it is a principle, and its foundation is virtue. Adversity tries nations as well as individuals, and if this nation is saved it will be "so as by fire." A word about the writ of *habeas corpus*, in States and Territories sustaining the Federal Government where the public safety does not require it. Now, the Constitution, Art. I, Sec. 9, No. 2, says: "The provisions of the act shall not be suspended, unless when in case of

*Col. J. Minor Milliken, of Hamilton, Ohio.

rebellion or invasion the public safety may require it." I know that it has been held that the proclamation of martial law by a military officer is not sufficient; but I also know that it has been held, in an elaborate opinion of the Attorney-General of the United States, and by other Attorneys-General before him, "that the President of the United States, without an act of the Legislature, has power to suspend the writ of *habeas corpus*." I have confidence in the chief law officer of the Government, and I have faith in the integrity and the honesty of purpose which are distinguishing characteristics of Abraham Lincoln. It is well to remember that the liberties of Rome were crushed in the iron hand of Cæsar, and when Cataline and the worst citizens conspired against Rome, Cicero and the best saved the Imperial City. Civil liberty, as opposed to natural liberty, is the not being restrained by any law except those which, in a greater degree, conduce to the welfare of mankind. It is the liberty of a man in a state of society, or natural liberty so far only abridged and restrained as is necessary and expedient for the safety and interest of the society, State, or Nation. According to a distinguished statesman of England, government without liberty degenerates into tyranny, and liberty without good government becomes license. Good government and legal liberty depend the one upon the other. Now, if society has no power to protect itself from treason, and against traitors, then civil society is at an end. Justice, which resides between the "endless jar" of right and wrong, loses its name. There is, Sir, no danger that this nation will die of tyranny, unless it be the tyranny of Jefferson Davis. The American idea is to make politics moral by unity with natural justice, a foundation on which a nation can rest as long as the everlasting hills endure. What the nation suffers from is the excess of liberty. When the Commons of England could say to their King, "You are our servant," then the Temple of Liberty was completed. Abraham Lincoln is to-day the servant of the people, and cannot fire a gun, or hang a traitor, without a Congress, which comes from the

people. If the President, as Commander-in-Chief of our armies and navies, desire to "ensure domestic tranquility," how is he to do it? One hundred thousand men advance from Richmond, and are thundering at the gates of the capital. Traitors and spies invest every city of the North, and the intelligence meant for our armies reaches Richmond before the General-in-Chief has any news. You say the judges are pure and the Courts are open—so they may be—the prisoner enters bail, and a partisan jury, as in Indiana, disagree or acquit. Do you tell me, then, that the war powers of the President extend no further than in times of peace? Those who so hold, are apt to regard the life or liberty of a traitor as of more value than the safety of the nation. I was elected to this House upon the clearly-enunciated proposition that the arrest of men suspected of treason, men deemed to be public enemies, was a just exercise of the war powers of the President, and I do not propose now to recede from that ground, which I believe returning reason will say is safe and sufficiently conservative. Unwise arrests have been made, and, in some instances, injuries may have been inflicted, but I believe that such instances are the exceptions. The "safety of the Republic is the supreme law." I am willing to leave the whole question of "arbitrary arrests" to the President, believing that he means, and has meant, in every act of his official life, to make "power gentle and obedience liberal." Sir! in the luminous future I track the giant march of freedom; well I know, when once begun, that onward march knows no retreat. The heroic spirit of the slumbering dead lives again in far off Missouri, and I see the shackles of the slave shivered from his limbs, while from State to State—through storm and tempest—through blood and tears—the spirit of Liberty holds its resistless way, striking the corrupt politician and the slaveholding tyrant together to the dust; evoking from the ruins of stately cities—from the untold horrors of the battle-field—sacred religion and immortal Liberty, and proclaiming in tones that pierce the ears of a waiting world, that the majesty of the

law must be vindicated. I know that some wait for the nation and its President to retrace their advancing steps. Let them not be deceived! *Vestigia nulla retrorsum* is the motto of advancing civilization. If I read history aright, when Constantinople fell the last of the Cæsars folded around him the imperial mantle and remembered the names which he represented in the dignity of heroic death. Better that the President of a free people, like the last of the Cæsars, dignify the last hours of a noble Republic by his courage and magnanimity than to take one step backward. Waterloo, says Victor Hugo, was a change of front of the universe—but when the last best hope of freedom goes out, there will be a sadder and more fearful change of front for the universe. But, Sir, so strong is my faith in the people, whose hearts throb for the Union, that I cannot believe it will be said of America as was once said of Switzerland, “She has nothing left but her rocks, her ruins, and her demagogues.” The nation will live. The patriot fires of the Revolution are kindling from Maine to California. Let us be equal to our destiny, and leave the issue, after our duty is done, to the God of Battles. I have spoken the sentiments of my heart, and, as I believe, the sentiments of a loyal and fearless constituency. If the melancholy trial be forced upon us, which will decide whether the Spirit of Faction is paramount to Nationality and stronger than the Spirit of Liberty, I hope, for one, that I shall be equal to the test. But if the black banner of despotism floats over the Capitol of New Jersey, I shall not despair. If our generation is not equal to the high destiny God offers this nation—if we lay down our arms, as these resolutions ignominiously ask, then Freedom’s battle will be bequeathed from sire to son; another and a nobler generation will take up the banner of Constitutional and Republican Liberty where we have laid it down, and by victorious peace build a Republic forever on the imperishable principles of Justice.

NEW JERSEY FOR THE UNION.

DELIVERED IN THE NEW JERSEY SENATE, MARCH 16, 1864.

Upon the Bill prohibiting the enlistment of Colored Troops in the State, under penalty of \$500 fine, or Imprisonment for five years.

MR. PRESIDENT: A year ago I stood in the lower House of this Legislature, in opposition to the peace resolutions offered and advocated by a majority of the Senators upon this floor. These resolutions sought to purchase peace at the price of our national honor. These resolutions, about which the dominant party in the Senate have observed a silence at once ominous and remarkable, united the morality of Louis Napoleon with the language of Machiavelli. They trifled with the conscience of the State as the rebellion has sought to trifle with the conscience of the nation; for when Chief Justice Taney announced from the highest court in the land that the everlasting curse of human bondage was the supreme law, before which absolute justice must bend and break, then the great popular heart stirred to its depth, and conscience, with so delicate a voice that it is often stifled, spoke in so clear a tone that its accents could neither be mistaken nor its mandates disobeyed.

Some of us came up slowly to the help of the Lord against the mighty. Mental servitude had become an attribute of

the North as much as bodily servitude was the institution of the South, till, with as much wit as truth, a son of New England said, replying to Daniel Webster, "Yes, there is no North; *it is the South all the way up to Canada!*"

Soon it permeated the minds of the people that when a Chief Justice said, in the latitude of Washington city, "that a negro had no rights which a white man was bound to respect," the true intent and meaning of such language in the atmosphere of Charleston was, that "no Northern mudsill has any right which a Southern gentleman is bound to respect." Then the shotted guns of Sumter opened, while manhood and moral courage took the place in the mind and heart of the American people, of concession and pusillanimity.

We have refused allegiance to our principles; we have refused to pay the price of national honor and virtue; and we are sued in the courts of destiny, and the case is this day on trial. And I need not speak of the eagerness with which the eyes of Europe are turned towards America—that land which a distinguished Englishman says "privilege every morning, with blatant breath, begins to curse because it dares to be prosperous and happy without a monarchy, without an aristocracy, and without a priesthood, who are the licensed venders of salvation wrought by love."

Mr. Speaker, I confess the hesitation with which I approach the discussion of this bill, which is now before the Senate. My only desire is to proclaim those sentiments of future policy which I believe are intimately connected with the future glory of our country. And, Sir, I trust that I belong to that class who believe the greatest glory of a free man is to be a good citizen. And a good citizen prefers liberty to luxury, and honor to profit. He holds that, next to dying for one's country, the greatest glory is to live for her interest and her honor. I have no aspirations, no ambitions, which do not go forward in longing for that peace which shall dawn upon the end of this terrible and righteous

war, a peace which, in the language of Abraham Lincoln, "I hope may come soon, and when it does come will come to stay, and will be worth the keeping."

Whenever I look upon that flag, Sir, with every impulse of my heart there rises a sentiment of affection and of honor. I know that God has given the country to men who can defend it, and to women who, in its service, consent to the sacrifice of their husbands, their brothers and their sons. And the man, whoever he is, and whatever place he may fill, who will not protect and defend the land that gave him birth, is a dastard and a coward.

The bill before the Senate. Mr. President, is entitled "An act to regulate the appropriation of moneys raised by the authority of this State, for war purposes." I frankly confess that I differ from my honorable friend, the Senator from Union (Mr. Jenkins), in the views he entertains for the causes and conduct of the war. General sagacity and uprightness cannot contend against the prejudices among which a man is born, which are the breath of his nostrils to him. As God has no attribute which sides with the oppressor, so man ennobles himself by becoming the advocate of the oppressed. Bishop Hopkins may thunder in a small way to a very select audience that slavery is a divine institution, and compel his auditors to bow down to the narrowest interpretation of individual texts. But the heart relying on the spirit of Scripture still whispers what every grand thinker the world has ever produced boldly proclaims—that all men everywhere ought to be free.

You cannot make science utter a lie in the face of the universe, and declare that the sun moves round the earth and the earth stands still. The terrors of the Inquisition are nothing, and Galileo whispers "*E pur si muove.*" *It does move, though.*

Aye! And New Jersey moves. Only a year ago we were threatened with revolution in the North if a single soldier who was not a white citizen should enlist and fight

against "slavery in arms." And now a single township in the county of Warren has paid ten thousand dollars for bounties to colored soldiers; and not less than three thousand black soldiers have left New Jersey to revenge their slaughtered brothers at Wagner, Port Hudson and at Vicksburg. Aye! Even New Jersey moves.

Never again will an insolent majority on bended knees supplicate for peace, and herald to all the world that this war for law, for liberty and for humanity is "causeless in its origin, and dangerous to the liberties of the people."* Never again will men offer upon the floor of this Senate to join any of the sister States of the Union to carry into practical effect a war upon the Federal Government.

So wide spread and so thorough was the delusion in this regard in the remnant of the Democratic party, that they unconsciously became the apologists and defenders of human bondage and its villainies.

We find the present Executive of this State declaring in his inaugural address, (page 14, 1863): We are told that the belief that slavery is the cause of the war, and that the war can never cease and the life of the nation be preserved until slavery be abolished, has led to a departure from the original purpose of the war. *This is the radical error of the Emancipationists. Slavery is no more the cause of the war than gold is the cause of robbery and murder.*

Compare this with the avowal of Alexander H. Stephens, the associate of Jefferson Davis, in a speech delivered in Savannah, on the 21st of March, 1861. He says: "The new Constitution has put to rest *forever* all the agitating questions relating to our peculiar institutions. *African slavery, as it exists among us, is the proper status of the negro in our form of civilization. THIS WAS THE IMMEDIATE CAUSE OF THE LATE RUPTURE AND THE PRESENT REVOLUTION.*" Between such eminent advocates of slavery as the Governor of New Jersey and the Vice President of a moribund Confederacy, who shall decide?

*Peace Resolution No. 3.

Outside of this State, and excepting the city of New York, I do not know where it is seriously contended that "abolitionism and secessionism" were the cause of the war. Yet such was the opinion deliberately expressed by Joel Parker in his inaugural address in 1863, and boldly avowed in his annual message of January 12th, 1864. He thinks, too, that if the policy of emancipation had not been inaugurated, the mass of the people in some of the Southern States would have "supplanted their rulers and returned to their allegiance." A greater fallacy was never uttered. Let Maryland and Missouri and Arkansas answer, where you cannot find any fugitive slaves, but where fugitive masters abound. There, where wisdom has been born of this terrible contest, they hold that slavery, like Achān's wedge of gold, *is an accursed thing*, and they gladly tear down the rebel banner and run up "our beautiful flag."

But in Kentucky, where neutrality prevailed—and neutrality in a struggle between freedom and barbarism is a monstrosity—where neutrality prevailed, we now find Governor Bramlette threatening to resist the enlistment of negroes as soldiers. Kentucky answers New Jersey while South Carolina applauds!

And I venture the assertion that outside the rebel lines there is no Legislature that dares to defy the Federal Government by passing so iniquitous a measure as the one under consideration, unless it be the Legislature of the State of New Jersey. No man whose heart is with his country can read the bill without condemning it. It provides, "That from and after the passage of the act it shall not be lawful for any part of the moneys now raised, or which may be hereafter raised for war purposes, to be used for the employment of negroes as soldiers; and any one offending against the provisions of this act shall, for each and every offence, upon conviction, be subject to a fine of not less than five hundred dollars, and imprisonment for a term of not less than five years."

And I would be glad to know whether this bill meets the approval of the Governor of New Jersey. When such a measure was proposed for the county of Union, I said that the policy of negro enlistment under the laws of the United States had met the sanction of the Executive of this State. I was glad to credit him with sustaining the Government after his own fashion. I appreciate the social virtues of Joel Parker, but I am not bound to admire that easy political virtue which writes a sympathizing letter to a Vallandigham meeting, declares against the suspension of the writ of *habeas corpus*, and says in the face of a popular majority of nearly two hundred thousand, that the Proclamation of Emancipation is a mistake, intimates that it is unconstitutional, and ends by declaring it an "obstacle in the way of peace." Sir! We have had too much of this style of *supporting* the Government.

New Jersey, to-day, is full of Union men with Confederate principles. Like the Cavaliers in the days of the Pretender, they hold their wine glasses over their water glasses, and drink "to the King"—*over the water*. They say, (these half-hearted Union men),

"God bless the King, God bless the faith's defender,
The Devil take the Pope and the Pretender;
But who the Pretender is, and who King,—
God bless us all,—is quite another thing."

I charge now, as I have charged before, that the Governor of New Jersey was elected in the interest of slavery, and that Democracy, as officered and manned in New Jersey, is in sympathy with treason and rebellion.

If you decorate your Senate Chamber with an American flag, a State flag must be elevated beside it. The doctrine of State rights, a political falsehood, and a delusion, is boldly proclaimed as part of the new gospel of peace. Three weeks since, the Senator from Bergen (Mr. Holsman) declared himself in favor of a vigorous prosecution of the war, and I congratulated the Senate that since he was in favor, now, of a war with white men, in the next year he would be

eloquently for carrying the war into Africa, *with Africans.** But, Sir, the Peace Committee met at the New York Hotel, on the 22d day of February, desecrating the anniversary day that gave birth to George Washington, and since then the Senator from Bergen, in almost the identical language of the pronunciamento of the Rebel Congress, declares that he is now, and has been since the firing upon Fort Sumter, against the war. My accusation against "Democracy as it is," hath this extent. It is without honest purpose or principle. If it pretends to be for the war in Pennsylvania, it is for peace in New Jersey. And when General Lee was marching through the beautiful and fertile valley of the Cumberland up to Harrisburg, the Democratic party was joyously assembling in the State Capital of Pennsylvania, to nominate George H. Woodward, who said "it was a sin to think against slavery," and that the time must come when the South could fall back upon her natural rights, and use all the means she possesses, or could command, in defence of her soil. No wonder that General Lee hastened to ratify a nomination so opportunely made! No wonder a single voice was not raised in that convention which found the latitude of Harrisburg suggestive of shot and shell. And it is not singular that a retired Major General, in the U. S. Army, who would make a "capital engineer for a stationary power," wrote his distinguished considerations on the eve of a most significant election, to Mr. Woodward, who believed that "slavery was a blessing!"

And, while this subject is in my memory, let me say that the saddest sight that my eyes ever beheld was the sight of the weary thousands who thronged the bridge across the

*In appreciation of Mr. Scovel's consistent efforts on behalf of the colored race, he was presented with a costly and beautiful silk American flag, inscribed on the one side—

"We repose faith in God: To our country we are true: We make no distinction of Races."

On the reverse—

"Presented to the Hon. James M. Scovel by the African American citizens of Camden county, N. J., Dec. 20th, 1866."—H. B. D.

Susquehanna, on the 19th day of June, in the year of grace 1863; old men, tender women, and helpless children, for the first time in their lives aliens to their hearths and home-steads, they had gathered together their household gods, and sought shelter from the Goths and Vandals of barbarism—sought shelter and protection on the peaceful banks of the Juniata. The recollections of these scenes can never be effaced, and till they have passed from my mind, let no more ask me to pause in my efforts to point to my countrymen the perils which threaten the republic. One of the finest passages in Roman history tells us that after the battle of Cannæ, when disaster and defeat had followed the Roman general, the Senate went beyond the walls of the imperial city to thank their general that he *had not despaired of the republic.*

To that man who would stop the victorious banners of the armies of the Union, by cavilling at the proclamation of emancipation, I would answer that it was six months after the head of the nation had invoked the “considerate judgment of mankind and the gracious favor of Almighty God,” on that proclamation, before—standing by the unnumbered graves of our dead in the nation’s cemetery—we could say, “of the two great efforts to enslave the English race in body and mind, the first met its grave at Marston Moor, the second at Gettysburg.”

But to return to the political decline and fall of New Jersey. In 1849 both Houses of this Legislature, by joint resolution, declared slavery to be an evil, and instructed our Senators and Representatives in Congress to vote against the extension of human bondage in the Territories. (*Pamph. Laws*, p. 334, 1849.) But soon the leading politicians who represented the dominant power became—by social ties, or by the powerful influence of interest—wedded to the cause of slavery. New Jersey became pro-slavery in sentiment, or at least, the dominant party were for slavery rather than for the Union.

It sent Senators to Congress who defended the institution.

It sent members to the lower House who worshipped at the shrine of Jefferson Davis—then, as now, the leading spirit of Southern aggression.

A monster monopoly, which subsidized newspapers, and treated the consciences of legislators as a merchantable article—a corrupt corporation, which may yet learn that “corruption wins not more than honesty”—aided and abetted this spirit of pro-slavery fanaticism. A man who was for liberty, and against the despotism of men who called themselves the “master race,” was ostracised in private and in public life.

It was during the time when James Buchanan made Lecompton a test. He and his viceroys made power tyranny, and they made tyranny contemptible. I then felt as I now feel—that obedience to such behests was a crime.

I declared in 1858 that if the creed of Buchanan on the Kansas question became the policy of New Jersey, and in the country, the Democratic party would become a political and moral abomination.

The money power and the slave power triumphed, and controlled the Democracy in the district in which I resided. The Kansas candidate, who believed in Buchanan, was nominated and defeated.

I said, in the Philadelphia *Press* of October 19th, 1858: “The man who is chosen to bear the Democratic standard this fall must bend to the anti-Lecompton sentiment: the principle will not bend to him, and no shifting or truckling on that question will satisfy the people or subdue the voters of the First District, and woe be to the candidate for Congressional honors who has already pledged himself against the double-dealing of a treacherous Administration and has then turned back.”

From that day to this I have been in undying hostility to that sort of Democracy which hates liberty, loves slavery, and would rather celebrate the funeral rites of constitutional liberty amid the incantations and orgies of Secession and

Rebellion, than see the triumphant advance of civilization which strikes the shackles from the slave and tells the oppressed to go free.

Since 1860, the history of New Jersey has been written so that all the world has read it. I yield, Sir, to no Senator on this floor in regard for the honor of New Jersey—dearer to me than life itself. For her I have labored, for her I have made sacrifices which it does not become me here to narrate, and for her future destiny I shall do battle with my latest breath, hoping—aye, and praying—that she may yet be free. But, Sir, and I say it with shame, the political history of this State for three years is one of which no patriot can be proud, save as its darker lines are made glorious and lustrous by the deathless courage of New Jersey soldiers, who have made crimson on every battle field from Roanoke to Gettysburg, with their blood, the banner of victory.

Mr. President, I am charged with being political, rather than argumentative. But, Sir, this is a political question; it is a capital cause we are trying. The nation is on trial for its life. The Democratic party has already been tried and condemned. Has it anything to say why sentence of death should not be pronounced against it? I pause for a reply. Who are its advocates? Is it the sage of Monticello, Thomas Jefferson—a Virginian when Virginia was the mother of Presidents, and not the grave of Northern patriots? No. Who is it, then, who cometh with dyed garments to defend “Democracy as it is?” Ah! Now I behold the melancholy procession! At its head I do not find the sage of Monticello, or the “War Horse of the Hermitage,” but I behold Chauncey Burr, the Senator from Bergen (Mr. Holzman), and David Naar!

And now, Sir, a few words upon this measure, which I understand has the sanction of the Democratic caucus, and I have done. I oppose the bill because—

First. It contravenes the laws of Congress.

Second. Because it is against public policy and against the rights of mankind.

The laws of Congress passed in and since the year 1862, authorize the President to enroll, arm, equip, and to receive into the land and naval service of the United States such number of volunteers of African descent as he may deem useful to suppress the present rebellion, for such term as he may prescribe.

Under and by virtue of these several acts of Congress, as I am informed by the chairman of the Military Committee of the United States, 80,000 colored men, many of whom were once slaves and are now freedmen, are enlisted in the armies of the Union. At least 30,000 more of these despised Africans, about whom the majority of the Senate talk so much and care so little, are employed by the Government, though they do not wear a soldier's uniform. These black men carry a flag which is the symbol of nationality, of power, and of liberty, and they have never disgraced it. It is, then, the settled policy of the United States Government to employ black soldiers. The experiment has been made under the laws of Congress. It has succeeded.

And now I suppose the Legislature of New Jersey sends greeting to the War Department, with instructions to desist from enlisting, under a penalty (for citizens of this State) of "a fine not less than \$500, or imprisonment for a term of not less than five years." I am pleased to be able to state that Democracy with Edwin M. Stanton does not mean "strategy and peace," but means "fidelity to one's country." The prospect, therefore, of impressing the peculiar views of a majority of this House in that quarter is quite slender.

The object of this bill is either to deceive the people or to embarrass the Government. If to deceive the people, it is not a new game which is now played for the first time; if to embarrass the Government, it is only a new foe with an old face, for the election of Horatio Seymour on a war platform was soon made the occasion for organizing an armed mob, who *declared for peace* in the city of New York with torch and sword!

Let there be sincerity between us. The South began this war in the interest of slavery. We began the war for the Union; we carry it on for the Union; and we will end it by subduing the rebellion, and by subjugating the "fugitive masters" in the South. The war for us is necessarily and justly in the interest of Freedom, for Slavery is the lion in the way. God binds up the nation's wounds with emancipation. The Constitution was meant to "*secure liberty*," not to protect slavery.

No principle of law is plainer than the one which denies to a State the power to pass laws in conflict with the laws of the United States; and this bill practically raises the banner of resistance, because it resists the law of the Federal Government; and I am glad that the Senator from Union (Mr. Jenkins) abjures the political heresy of State Rights. Perhaps we can meet on friendly grounds, as I learn he was once a Whig, when I quote the language of Henry Clay: "*If Kentucky unfurl to-morrow the banner of resistance, I will not fight under that flag.* I owe allegiance to my native State, but I owe a paramount allegiance to the United States Government."

If it were required, Sir, I could produce volumes of testimony to the bravery and efficiency of our colored soldiers. General Hunter, in speaking of the First Regiment of South Carolina Volunteers, said: "I am glad to be in the midst of you—glad to have seen so fine an exhibition of proficiency as you have shown this day. I only wish I had a hundred thousand of you to fight for the freedom of the Union."

Commodore Dupont wrote from Port Royal his gratitude to the contrabands who had rallied around him, and his declaration is: "They serve us with zeal, make no bargains for their remuneration, go under fire without the slightest hesitation, and, indeed, in our cause are as 'insensible to fear' as Governor Pickens. Some of them are very intelligent."

At Wagner, when the gallant Shaw, of the Fifty-fourth

Massachusetts, fell with his feet to the foe and his back to the field, a black sergeant, wounded and bleeding, dragged himself forward when the color-bearer fell, and, wrapping the flag about his body, crawled back, amid a deadly rain of artillery; and when he whispered to the white soldiers in the hospital, "I saved the flag," three cheers went up for the black sergeant of the Fifty-fourth.

Let me assure the other side of the chamber that the reign of force is ended, and even chivalry begins to understand that *ideas rule the world*; civilization wrestles with prejudice as the angel of old wrestled with the patriarch, and prejudice will be smitten to the death.

I oppose this bill because it is against the rights of mankind. The nation has outgrown the Dred Scott decision, and the conscience of the nation is at last satisfied that God's lesson for America is that absolute justice to the African is mental and moral emancipation to the white man.

I beg leave to refer to George Bancroft's views upon the effort to betray the rights of man at the command of passion and prejudice. He says: "That ill-starred disquisition is the starting point of this rebellion, which, for a quarter of a century, has been vainly preparing to raise its head. 'When courts of justice fail, war begins.' The so-called opinion of Taney, who I trust did not intend to hang out the flag of disunion—that rash offence to the conscious memory of the millions—upheaved our country with the excitement which swept over those of us who vainly hoped to preserve a strong and sufficient, though narrow, isthmus that might stand between the conflicting floods. No nation can adopt that judgment as its rule and live; the judgment has in it no element of political vitality. I will not say it is an invocation of the dead past; there never was a past that accepted such opinions. If we want the opinions received in the days when the Constitution was framed, we will not take them second-hand from our Chief Justice. We will let the men of that day speak themselves. How will our American magistrate

sink when arraigned, as he will be, before the tribunal of humanity! How terrible will be the verdict against him when he is put in comparison with Washington's political teacher, the great Montesquieu, the enlightened magistrate of France, in what are esteemed the worst days of her monarchy!

"The argument from the difference of race which Taney thrusts forward with passionate confidence as a proof of complete disqualification, is brought forward by Montesquieu as a scathing satire on all the brood of despots who were supposed to uphold slavery as tolerable in itself. The LIGHTS OF MANKIND—that precious word which had no equivalent in the language of Hindostan, or Judea, or Greece, or Rome, or any anti-Christian tongue—found their supporter in Washington and Hamilton—in Franklin and Livingston, in Otis, George Mason and Gadsden—in *all* the greatest men of our early history.

"The one rule from which the makers of our first Confederacy, and then of our National Constitution, never swerved, is this: To fix no constitutional disability in any one. Whatever might stand in the way of any man from opinion, ancestry, weakness of mind, inferiority, or inconvenience of any kind, was itself not formed into a perfect disfranchisement.

"The Constitution of the United States was made under the recognized influence of the eternal rule of order 'and right,' so that, as far as its jurisdiction extends, it raised at once the numerous class who had been chattels into the condition of *persons*. It neither originates nor perpetuates inequality."

If the Constitution does not perpetuate inequality shall we?

Thomas Jefferson said: "The opinion that they (the colored race) are inferior in the faculties of reason and imagination, must be hazarded with great diffidence." (*Jefferson's Works, Vol. VIII*, p. 386.) He said afterward: "I expressed these views, therefore, with great hesitation; but, whatever be their

degree of talent, it is no measure of their right. Because Sir Isaac Newton was superior to others in understanding, he was not, therefore, lord of the person and property of others."

We are now paying the price of our national vices, as well as virtues. If this nation had been without virtues, we would possibly have been at peace, but it would have been the peace which follows dissolution and death.

The monument at Bunker Hill stands for Prescott and Putnam and Warren, and it also stands for Salem, the colored man who shot the gallant Piteairn as he mounted the parapet.

Red Bank in the Revolution, and Bladensburg and New Orleans, at a later day, attest the valor of the colored soldier.

Our unfriendly legislation will not stay the eternal laws of order and right. Let us rather hasten the advance of that day when we may "realize truth without suffering, and follow the triumphant road of justice without watering it with tears." The revolution through which we are passing is a necessary one, and if we are true to ourselves it will be one fortunate for all the world. Let us endeavor to elevate a race which for centuries has been despised, and in doing this we elevate ourselves.

The struggle will soon be over. The right never fails in the eternal years of God. And this country will become what Garibaldi and Cavour dreamed that Italy might be. Privilege will no longer stalk in our streets, while justice speaks with "bated breath and whispering humblances;" and as we look over this continent, we will say of our native land in the next four years that, "Under such an Administration as that of Abraham Lincoln this country will become what it ought to be, and what I believe its Divine Author intended it to be—not a vast plantation for the breeding of human beings for the purposes of lust and bondage, but a new valley of Jehosophat, in which the nations of the earth, acknowledging and worshipping a common God, will assemble and celebrate the resurrection of human freedom."

NEW JERSEY FOR ENFRANCHISEMENT.

DELIVERED IN THE NEW JERSEY SENATE, FEBRUARY 27, 1866.

MR. PRESIDENT: He must be a buoyant philosopher as well as the most charming of optimists who will deny, since the 22d day of February, that there is vitality in the spirit of slavery.

It belongs to brave and creative intellects to forget the past, and I did not, Mr. President, take my place upon the floor of the Senate to-day to indulge in any historical detail of the sad but glorious recollections of the past four years through which the American Republic has struggled, suffered and triumphed.

But, sir, events which have so recently shaken political opinion to its centre teach me to

“Be wary and mistrustful;
The sinews of the soul are these.”

And without effort I recall the session of that defiant Convention which nominated a candidate for President because he had never won a battle, and then, with unblushing and unbridled audacity asked the world to believe that a just war was a failure, and that a cessation of “hostilities” was demanded by justice, and liberty, and humanity!

But the God of our Fathers, and not the wisdom of man, rescued the Republic.

Sherman, within a month after the Chicago surrender, with the glittering bayonets of his hundred thousand, stamped Mr. Vallandigham’s utterances as a political falsehood.

The Empire of Liberty moved forward. As we fondly imagined, the reign of peace had come. That kindest and most loving of men—he who was most deeply versed in the unwritten laws of humanity, the trusted and most well beloved leader of the nation's cause, walked hand in hand with his little child, unguarded, through the streets of Richmond.

Not one year ago, upon that wild and awful night in April, Booth's bullet stilled the pulse of that mighty heart. The grass has not yet grown green over the grave where we laid him.

Where was the great criminal?

Mr. President, he lives to-day, not the leading spirit of a lying civilization, comfortable in a casemate of Fortress Monroe and rejoicingly celebrating the 22d day of February, in the year of Grace 1866—not Alexander H. Stephens, who saw “a ray of light” through the Chicago platform and now sees another as he complacently refers to President Johnson as his “great standard bearer,” and *generously* hopes that the present policy of restoration may “receive the cordial support of every well-wisher of his country.”

Elected to the Senate of the United States by an unregenerate rebel constituency who scorned a constitution under whose shelter they basely endeavor again to creep, Mr. Stephens, of Georgia, even promises that the black man may start equal before the law in the possession and enjoyment of all rights of *personal liberty and property*.

Small thanks for strong deservings! The Constitutional Amendment gives to the dark-skinned citizens of the Republic a right to be free, therefore in this you yield him nothing, sir.

The free black in all the States has heretofore enjoyed the right to hold property, and in Maryland he (the colored man) voted with the whites for the Constitution of the United States.

Then if we are just to the Vice President of a dead Confederacy, you yield to the black man who carried a bayonet or who merged his rights in the will of his master when slavery existed in *name* nothing but the bare right to live and to hold property—if he can get it.

No! Mr. Stephens, you still persist in your denial of the rights of man; and in these days there are more simple infidels to man than infidels to God.

No state Government has ever been recognized which ostracised a majority or any great mass of the people. The right of the State to ostracise the great mass of free negroes has never been recognized.

If this precedent be set now it is for the first time.

When negroes become free they become a part of *the nation*, and to ostracise them is to *sanction a principle fatal to American government*.

There have been for the bondman two hundred and fifty years of unrequited toil; for forty years the African has been the subject of conflict in polities, in the pulpit, and in the halls of Congress.

Wise men and Statesmen insisted that servitude was his proper status; Congress declared by solemn resolutions that he should no longer be talked about. But he was talked about. He grew into colossal proportions. The black man fronted the stars. God raised up (or permitting the use of the Devil's instruments for his own excellent purposes) such abolitionists as John C. Breckinridge and Jefferson Davis.

By their avarice and their ambition, seeking to limit the ends of Government to the protection of property, and to blend the lofty commerce of spirit with spirit into the base bargaining of political selfishness, they at last succeeded, against their will, in breaking the bonds of the slave, while they strive to burst asunder the bonds of the Union, and to-day, thank God, the negro stands before the world a fixed figure on the canvas of history. No longer three-fifths of a man, but a whole man under an amended Constitution. He

has rights which a white man is bound to respect—these rights will be secured to him by the fidelity of such men as Ulysses Grant and Horace Greeley, and if the political Moses at the White House is not yet *out of the Bulrushes*, there are 20,000,000 freemen in the North who have twice dared at the ballot box, in 1860 and four years later, to declare that some Moses must be found to lead the long-waiting African through any Red Sea over to the promised land where he shall find, after 90 years of bondage, the stone of ignorance and prejudice has rolled away from the sepulchre and that he walks a freeman whom the truth makes free, in the light of a morning which breaks upon the new resurrection of human freedom.

But I have asked where is the great criminal who menaces the life of the Nation?

He lives yet as he has lived during the Rebellion, corrupting the heart and animating the minds of the men of whom Mr. Shellabarger says:

“They planned one universal bonfire of the North from Lake Ontario to the Missouri. They murdered by systems of starvation and exposure sixty thousand of your sons, as brave and heroic as ever martyrs were. They destroyed in the five years of horrid war another army so large that it would reach almost around the globe in marching columns; and then to give to the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime, and all that is detestable in barbarism, they killed the President of the United States.”

But the great criminal died not with the rebellion.

We think we exorcised the evil spirit in New Jersey last November; but that he is utterly dead, I beg leave to doubt.

1. He lives among the nutmeg men of Connecticut, who refuse the negro the right to vote, and yet impose upon him the double duties of fighting for the Union and paying taxes incurred in breaking down a slave-holders’ rebellion.

2. He lives in the swamps of South Carolina, where black

codes are enacted, creating Slavery in fact on one hand, while they pretended to abolish it in *name* on the other.

3. The great criminal lives wherever in high places men shout "this is a white man's government;" and it live and moves and has a being wherever *caste* flourishes and tortures its victims with the remorselessness of the Spanish Inquisition.

Society is, simply, human nature existing in combinations, sometimes natural, but generally artificial. It cannot be denied that for half a century the American Nation have not been *homogeneous*. The North might be properly called the labor States, and the South the capital States.

With us labor took care of itself, with them habits of idleness were perfectly consistent with ideas of dignity. Labor was menial. They firmly believed in the curse, but not in the nobility of labor.

My dead, but immortal friend, Henry Winter Davis, himself once a slave-owner, and one of the grandest and purest soldiers who ever fought for the liberation of humanity, said of the South:

"It was resolved by them to become a power and cease to be merely an interest.

"It could be tolerated as an interest, it could not be tolerated as a power, which by political coalition became the dominant power of the Nation (the addition of the great regions of Florida and Louisiana to the domain of the United States, fired the blood of its supporters with the determination of ruling). It first asserted itself as a power in the great Missouri compromise so long worshiped by all men as the emblem of our peace. Texas was its conquest. The compromise of 1850 was the recognition of its equality with freedom in disposing of the fortunes and fate of the Nation.

"The repeal of the Missouri compromise was its assertion, not merely that it was a power, but that it had power to rule. The war in Kansas was its struggle, to assert against a reluctant people, its right to rule. The Dred Scott decision was the sanction of its most insolent claims by the supreme judicial authority of the Nation before which bowed every dissenting voice in the South.

" It had made for itself a permanent home in the South, a home full of ideas and arguments for its maintenance and advancement; it seized upon and taught the doctrine of State rights as one of its bulwarks."

(And John C. Calhoun was the wicked and persistent evangelist of this pernicious idea, which, when backed by the terrible unity of Southern politicians, and the conscienceless tyranny of executive courts, had well nigh taken the life of American Liberty.)

The Dred Scott decision cultivated submission to the local authorities, so that in case of collision the men of the South *might prefer their State to the nation.* Slavery was first wrong, then excusable, then defensible, then defended by Scripture, historical and political arguments; then advocated and vaunted as the highest development of social organization.

Every principle of human reason was confounded in the deliberate attempt to make right of a wrong.

It created a new theology, a new history, a new ethnology for itself. "They dreaded the intrusive eye of freedom, tolerated it only blindfold, and thus firmly imbued with convictions scientifically and logically wrought, with a social system strong in arguments for its support, at peace with their consciences, given over to believe a lie, a territory equal in area to the greatest empire in the world—filled with an energetic, brilliant, brave and devoted people, educated in the idea that the State is supreme and could secede at will, and that even if the State had not that right, it could sanction, and by its authority, which they were bound to obey, excuse all who, under its bidding, took arms against the nation; armed against moral reprobation by pride—strong against the law of the land in arms, in the sympathy of many at the North, in a generation educated and devoted to those ideas for which they were ready to die, they drew the sword! throwing away the scabbard, to assert that slavery is the true corner-stone of freedom..

That corner-stone on which they sought to raise a new empire, now lies crumbled and shattered at the feet of advancing freedom."

The empire is dead, but, alas! slavery lives. Its cat-like step walks the courts, and its *Judas Benjamins* still live on this side of the Atlantic.

Its Janus face and its iron hand, encased in a velvet glove, are softly found peeping over the cushions of Northern pulpits, and I have heard gentle prayers, whispered in words worthy of Sydney, the sweet Secretary of Eloquence, in thanks to God for having "converted the Southern heart to loyalty." Slavery dead! My God! No, Sir! No! Clasping the Bible with handcuffs, and festooning the Cross of Christ with chains, it murders one President at Ford's theatre on the anniversary of the fall of Fort Sumter, and on the anniversary of the day that gave birth to the Father of his Country, at another theatre in Washington, slavery clasps its collar around the neck of another President, while Sunset Cox, of Ohio, with graceful mien, gets ready a rehearsal of his new play, entitled

"CÆSAR AND MOSES,

OR

CROSSING THE RUBICON!

IN A BASKET OF BULRUSHES!

During the performance, Vallandigham hangs out his flag and fires a hundred guns! The people do not say "amen." But let us turn to a more agreeable picture; for if "we count time by heart-throbs," these have been long and weary days in which we have watched the flank movement of a pro-slavery army with banners, readily recognizing a new foe with an old face.

We turn from the "nervous man to the *men* of nerve." But when we behold the able and courtly Fessenden, and the true-hearted Sumner, whose fidelity to principle is, to-day, the marvel of two worlds, we sigh as we are forced to

the conclusion that John C. Breckinridge, a refugee and a traitor, is supposed to have more power in this Government than Maine or Massachusetts.

But, Mr. President, I propose to return to the consideration of the resolutions before the Senate. There never was any jar or discord between generous sentiments and sound policy. Nature never says one thing and wisdom another.

And when I advocate an enactment by Congress which will give to every soldier twenty-one years of age, who has served his country since April 14, 1861, the right to vote, I believe such a law would be sanctioned both by good sense and by sound policy.

I may be met with the objection that the Constitution is silent upon the question of suffrage, and that this question ought to be left to the States themselves. But the Constitution puts the badge of inequality upon no one. And shall we?

That policy which would call the black to our aid in putting down the Rebellion, and then turn him over to the charity of the man whom he fought against, and who once owned him, must be founded in inequality, injustice and infinite meanness.

"If you did not wish to have the negro hereafter to enjoy the rights of a man, why did you bring him on the battle-field?"

When he could relieve us from an impending draft, we did not stop to discuss his right to political privileges then. "If he is their and your equal (and Thomas Jefferson said the measure of the black man's *talent* is no measure of his *rights*) on the battle field, in the service of the country, he is and should be at the ballot-box, and if he is not your equal on the battle-field, then you have cheated the United States, to the injury of the national cause, to save yourselves from service."

But above all, this question is not purely a question of justice and humanity. We are bound by Article IV, Sec-

tion 4 of the Constitution, to give to the South a Republican form of government. Congress has *imposed* not *conferred* this paramount duty.

There cannot in the nature of things be a loyal majority in the eleven States in rebellion, where, if you exclude the nameless martyr of East Tennessee, there was found no single man to make head against a revolution which very soon, in the South, was led by the men who originally opposed it. I tell you, Sir, there is nothing to hope and everything to fear from those States, of which Carl Shurtz, the President's appointed agent, says :

"The loyalty of the masses and most of the leaders of the Southern people, consists of submission to necessity. There is, except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriotism.

"The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the *slave of society*, and all independent State legislation will share the tendency to make him such.

"The ordinances abolishing slavery, passed by the Convention under the pressure of circumstances, will not be looked upon as barring the *establishment of a new form of servitude.*"

Alexander Stephens may say on the 22d of February, as he did at the inauguration of the Rebellion: "My only hope is founded in the virtue, the intelligence and the patriotism of the American people." But if he means to describe, as doubtless he does, the people with whom he lives, what have we to expect of unregenerate rebels, whose average civilization is that of the middle ages, and who believed or assumed to believe, that the laws of war justified starving 60,000 Union prisoners till they died at Andersonville.

In the States now represented in Congress we rely upon the educated intelligence of the people, and not upon such

blind servility as that which followed without question the great Satrap of Slavery till he was captured among the swamps of Carolina, a fugitive in woman's apparel.

And what can be said of the patriotism of a people who hunger and thirst for the ruin of this government they have despised and reviled for four years, and now seeking its protection blot from our language the word *Mankind*, which enriches it—a word that never passed the lips of Plato, Aristotle or Socrates. Shame on the patriotism that tells us, "come take away these 4,000,000 of God's creatures and expatriate them, or they shall suffer extermination at our hand in the coming "War of Races." This is the same spirit that said to Tristram Burgess, "to-day, to-day let New England be blotted out."

Sir, this is first a question of right. Then it is a question of power. It is first a question of morals (for the forces always go with the virtues), then it is a question of salvation. We are to choose whether we will have a friendly and a Republican Government in eleven States lately in rebellion, or whether the old Oligarchy shall come back into the Union, governing themselves *within* a year of the time they pursued us with fire and sword, and more than this, coming back when aided by discontented partizans in the North with the privilege of governing us. I am not an alarmist. But I have lived among the younger leaders of the Rebellion and in the Southern States. I know their temper, and much as I hate their injustice, I have a still livelier contempt for that hypocrisy here, which under the thin guise of a love for "the restored Union," eagerly waits to strike hands with the men who headed the Rebellion at the South, when they say with a terrible show of truth :

"Once more
Erect the standard there of ancient right,
Yours be the advantage all, mine the revenge."

I speak that I do know when I affirm that it has come to this—that the question of suffrage is now not so much, or so wholly a question of justice and humanity, as it is for all of

us a question of 5-20s and 7-30s. Southern Senators and members of Congress will never vote to pay the debt created in subjugating them unless you add their debt incurred to subjugate us. We need the vote of the colored men, and in strengthening the hands of the party of reconstruction it is the right intention not the philosophic judgment which casts the votes. In the Rebel States we absolutely need numbers as well as intelligence. But I am met by the objection that the States are in the Union and must regulate these questions for themselves. If we grant that, there is vitality in the Rebel State governments; and second, that they have the right to regulate the question of suffrage, then our argument is at an end; but we make no such admission. A "State" is defined to be a "body politic." A Government "the persons who administer the laws." Well, then, the body politic cannot go out and has not gone out of the Union, but since the Supreme Court, the recognized arbiter of conflict between a State and Federal authority, by the voice of all its Judges has unanimously declared that from the 13th day of July, 1861, a civil territorial war has existed between the United States and the Confederate States; since such war has existed, the State Governments—the persons who administer *the laws* are outside the pale of the Constitution, because they become belligerents and enemy of the United States. These State Governments, then, have ceased to exist. Their suspended animation will know no revival. They ceased to exist in law when they renounced the Constitution. They ceased to exist in fact because such governments were expelled by force of arms. If the President of the United States counts heads and calls that the people, he at once takes the power from Congress, for it is the joint action of the House of Representatives, Senate and Executive which constitutes Congress, and places it in the Executive, where it does not properly belong.

That point has thus been ably demonstrated. I ask that gentlemen will go and read that great argument of Daniel Webster in the Rhode Island case before the Supreme Court

of the United States, where he met this semi-revolutionary attempt to count heads and call that the people, and maintained, and so the Supreme Court judged, when it refused to take jurisdiction of the question that the great political law of America is that every change of government shall be conducted under the supervising authority of some existing legislative body, throwing the protection of the law around the polls, defining the rights of voters, protecting them in the exercise of the elective franchise, guarding against fraud, repelling violence, and appointing arbiters to pronounce the result, and declare the persons chosen by the people, and we say, greatly to the honor of the American people, it would take him to the going down of the sun to enumerate the instances in which almost every Constitution in the United States has been changed, without one ever having been changed by a revolutionary process, not under the aegis of law, not guided by pre-existing political authority. He maintained it to be the great *fundamental principle* of the *American Government that legislation shall guide every political change*, and that it assumes that somewhere within the United States there is always a permanent organized legal authority which shall guide the tottering footsteps of those who seek to restore governments which are disorganized and broken down. We have then, Mr. President, governments disorganized and broken down. What will we do with them?

Before I answer that question I shall summon one to whom public law is scarcely less indebted but who wrote a century later, that Vattel may reiterate with more precision, that

“A civil war breaks the bands of society and government, or at least, suspends their force and effect; it produces in the Nation two independent parties who consider each other as enemies, and acknowledge no common judge. These two parties, therefore, must necessarily be considered as constituting, at least, for a time, two distinct societies.”

Need I appeal to Requielme, who declares that when a

part of a State takes up arms against the government, if it is sufficiently strong to resist its action, and to constitute two parties of equally balanced forces, the existence of civil war is thenceforward determined. If the conspirators against the government have not the means of assuming this position their movement does not pass beyond a Rebellion, as true civil war breaks the bonds of society by dividing it in fact into two independent societies. It is for this consideration that we treat of it in international law. Since each party forming as it were a separate Nation, both should be regarded as subject to the laws of war. This subjection to the law of Nations is the more necessary in civil wars, since these, by nourishing more hatred and resentment than foreign wars, require more the execution of the law of Nations in order to moderate their ravages.

In God's government as well as in every wise human government, the enforcements of obligations are coupled with and inseparable from the enjoyment of rights. With what semblance of reason can people administering governments in place of those extinguished by war claim the rights and powers of a State under a Constitution, which they have for years scorned, derided and despised ?

After destroying that army which I have said in solid column would nearly reach around the globe they would modestly ask (the vanquished in conference with the victor) leave to submit, for their own approval, the laws under which they desire to hold their property and enjoy every right undisturbed as if there had never been any Rebellion. Dare we trust implicitly that these men will with cheerful resignation come back under a flag which they hate? but which we love, ten thousand times better than ever, because every stain on its folds has been washed white in the blood of the brave.

And when I contemplate the solemn questions of the hour, when I stared, astonished at the indecent haste with which red-handed Rebellion pleading most piteously a new-born

love for the Constitution; and when I see men in high places "wincing under Southern thunder," just as American politicians have winced, and wincing yielded, for eighty-seven years, then I begin to tremble for my country.

It is no solace for our fears that Mr. Alexander Stephens so recently said: "Should all the States be brought back to their practical relations under the Constitution, we shall have still left the essentials of free government contained and embodied in the old Constitution *untouched and unimpaired*.

I may be excused from trusting too far, these gift bearing Greeks!

I fail to discern that candor in the late Vice President's carefully prepared oration, spread upon the journals of both Houses of the Georgia Legislature, which so touchingly turned the periods of his last and most eloquent plea for the Union of our fathers in 1860. (Our Southern friends understand the play, "She Stoops to Conquer.")

I would recall to his mind his Milledgeville letter, in which he says more than four years ago: "If everything else has to go down let our untarnished honor, at least survive the wreck."

If they get back on their own terms, they themselves have predicted that the next war will be inside the Union for Southern rights. Sir, Southern *honor* did not survive the 14th day of April. It becomes us to meet these questions without passion, but with that courage which is often the loftiest prudence. The supreme hour for the nation has struck.

If we are just and fear not, we can teach the men so eager for the power they voluntarily abandoned, that "Conquering may prove as lordly and complete a thing *in lifting upward* as in crushing low."

If the Conflict which is to decide whether the peace we have won by the sword is worth having and has come to stay; if that conflict must come, let it come. Let it come now, for with God's help and man's fidelity we will never, never



be recreant to that trust sanctified to us and to the world by the valor of the dead, and dear to us all by the sacrifices made by the living. We cannot, we will not, we dare not omit to do that which the safety of the Union requires. The statesman is never regardless of consequences. But the man who is true to himself and just to others accepts all consequences which follow the discharge of public duty. As for myself I belong neither to the party of Cæsar nor to that of Brutus. America will never be cursed with a Dictator, and assassination does not thrive since the days of the Roman Senate. We are engaged in a conflict of ideas nobler and more far reaching than the clash of bayonets.

If Congress does not give us Manhood Suffrage, we will have an Amendment to the Constitution prohibiting representation except upon the basis of those who are entitled to vote. The deep throbbing of the popular heart cannot be baulked in its purpose. If I do not live to see it my children will live to behold the day when no man shall be denied a political right on account of his complexion. A democracy and an aristocracy of sentiment and manners I can understand. But a Democracy of Laws which compels the able-bodied to bear arms and pay taxes, but prohibits the able minded from having either vote or voice in the policies which control them, is a monstrosity in legislation, a falsehood in polities, and a sandy foundation for a Republic.

My soul expands to a Divine altitude when I contemplate my Country, oft baffled, oft defeated, but finally triumphing over all her oppressors. And in my mind's eye I behold the granite base from whence rise the pillars of Constitutional, Republican and Universal Liberty in America. Its foundation is broader and its columns more beautiful than the Grecian Parthenon, upon whose snowy front the sunsets of two thousand years have left their golden stains; and upon this granite rock, baptized with the blood of our best and bravest, will be written by each succeeding generation in letters of light that imperishable truth of history: There is no *Power* without *Justice*.

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